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IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MONTANA  
GREAT FALLS DIVISION

SUSAN WEBBER, JONATHAN ST.  
GODDARD, RHONDA MOUNTAIN  
CHIEF, and DAVID MOUNTAIN  
CHIEF,

Plaintiffs,

vs.

U.S. DEPARTMENT OF  
HOMELAND SECURITY, KRISTI  
NOEM in her official capacity; and  
THE UNITED STATES OF  
AMERICA,

Defendants.

CV 25-26-GF-DLC

**DEFENDANTS' NOTICE OF  
SUPPLEMENTAL AUTHORITY**

Defendants respectfully submit this notice of supplemental authority, which was not cited in defendants' briefing because it was issued yesterday. On April 22, 2025, the Court of International Trade entered an order in *V.O.S. Selections, Inc. v. Trump*, denying plaintiffs' application for a temporary restraining order (TRO) and setting a briefing schedule for plaintiffs' motions for a preliminary injunction and

summary judgment. Plaintiffs in *V.O.S.*, like the plaintiffs here, challenge the legality of Executive Order 14257’s tariffs. *V.O.S. Selections, Inc. v. Trump*, No. 25-00066, ECF No. 13 (Ct. Int’l Trade Apr. 22, 2025), attached as an exhibit. After full briefing, the Court of International Trade denied the TRO for failure to demonstrate immediate irreparable harm, implicitly recognizing its jurisdiction over the case.

The Court of International Trade’s exercise of jurisdiction over the case is irreconcilable with plaintiffs’ theory of this Court’s jurisdiction. As explained, the Court of International Trade’s jurisdiction is exclusive. ECF No. 19 at 18-24. Thus, a decision by this Court to retain jurisdiction over the case would necessarily contradict the Court of International Trade’s ruling. That outcome would counter the “uniformity and consistency” of tariffs required by the Constitution and Congress’ statutory design. *Id.* at 19-20 (quoting *Conoco, Inc. v. U.S. Foreign-Trade Zones Bd.*, 18 F.3d 1581, 1586 (Fed. Cir. 1994)). Defendants respectfully submit that this Court should instead “uphold[] the exclusivity of the [Court of International Trade’s] jurisdiction” by transferring this case to the Court of International Trade. *Id.* at 17 (quoting *United States v. Universal Fruits & Vegetables Corp.*, 370 F.3d 829, 836 (9th Cir. 2004)).

DATED: April 23, 2025

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